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United States

of

America

Criminal case #

CCB-17-226

v.

Eric Wayne Grinder

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

Request to be released on personal recognizance pursuant to Appellate Procedure Rule 23(b),(c).

Rule 23(b)(3) of the federal rules of Appellate Procedure allows this court to "order that the prisoner be released on personal recognizance, with or without surety" while there is a pending 28 U.S.C. § 2255. The Fourth Circuit has ruled that "before a prisoner may be released on bail pending a collateral attack on his conviction, he must show substantial constitutional claims on which he has a high probability of success, and exceptional circumstances." United States v. Eliely, 276 Fed. Appx. 270 (4th Cir. 2008). As stated in the pending § 2255 (civil case # CCB-20-3343) the defendant suffered multiple constitutional violations, the worst being denied a fair trial due to ineffective

counsel. There is a high probability of success in the pending § 2255 motion where the defendant was denied "a fair trial in a fair tribunal." *Re Murchison*, 349 U.S. 133 at 136 (1955). With the substantial constitutional claim settled next would be the exceptional circumstances. FCI Petersburg is currently on "modified operations" due to COVID 19. With the charges in this case holding a high probability of being vacated it is unreasonable to hold the defendant in a facility that is continually plagued by the virus. The modified operations also prohibit the defendant from seeing family and talking to them regularly. Prior to this crime the defendant had never been convicted of a crime, was a functioning member of society, and while incarcerated has taken classes to become a better person, he also has not had contact with his victim or her family. He currently has a place to go (with his mother) where he could prosper as a member of society.

Respectfully submitted,

Eric Grinder

Eric Grinder 63058-037

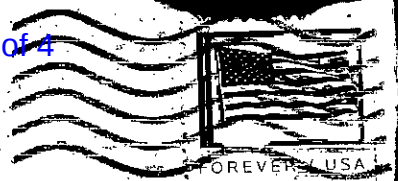
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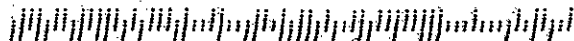
Clerk
United States District Court
101 West Lombard Street
Baltimore, MD 21201

COURT SECURITY OFFICER

APR 2021

MARYLAND

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